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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 23rd day of February 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKARAI AH

WP.No:5707 & 5771 of 1998

BETWEEN:

Smt.Prasanna V.Murthy,w/o. Sri.  
S.V.V.Murthy, aged about 54 years,  
r/a. No.281, Main road, Opposite  
Ujjavala Vidyalaya, Whitefield,  
Bangalore-66, rep. by her Power of  
Attorney Holder, Sri.K.V.Rajagopala  
Reddy,

... Petitioner  
(In WP 5707/98)

(By Sri.S.S.Haveri)

Sri. U.R.N.Murthy, aged 53 years,  
son of late U.R.Ramachar, II Main  
Atmananda colony, Sultanpalya,  
Bangalore.

... Petitioner  
(In WP.5771 of 98)

(By Sri. U.Abdul Khader)

AND:

1. The Bangalore City Corporation,  
N.R.Square, Bangalore City,  
rep. by its Commissioner.

2. The Asst. Exeucutive Engineer,  
and Delegated Authority to the  
Commissioner, Bangalore Mahanagar  
Palike, Bangalore.

... R2 in WP.5707/98.

2. The Asst. Exeucutve Engineer,  
Hebbal Sub Division, Bangalore  
Mahanagar Palike, Queens road,  
Bangalore.

...R2 in WP5771/98.

(By Sri.B.A.Ramakrishna for respondents)

WPs.5707 and 5771 of 98 are filed under Arts.226 and 227  
of the Constitution of India praying to quash the order dated  
12-2-1998 (Annexure-D) and to quash the notice and provi-  
sional order dated 27-1-98 and 27-1-98 and the confirma-  
tion order dated 12-2-98 respectgively.

These petitions coming on for preliminary hearing this day

WPs5707 and 5771/98

O R D E R

23-2-98

Sri.B.A.Ramakrishna, learned counsel is directed to take notice for the respondents Corporation. Accordingly, he appeared for the respondents.

2. The Corporation has passed ~~an~~ order<sup>✓</sup> in these petitions under Sec.321(3) ~~and 321(4)~~<sup>✓</sup> of the Karnataka Municipal Corporations Act, 1976 (the Act) directing the petitioners in these petitions to remove certain unauthorised construction put up contrary to the approved plan. As against the said orders ~~an~~ appeal is provided under Sec.444 of the Act, to the Standing Committee. In view of this alternative remedy, I do not propose to entertain these petitions.

3. The learned counsel for the petitioners submitted that though ~~an~~ appeal<sup>✓</sup> is provided to the Standing Committee, they are not in a position to move the Standing Committee for an interim order, since it has not been constituted. The fact that the <sup>a</sup>Standing Committee as on today is not constituted is not disputed by the counsel for the Corporation. In the said view of the matter, it is just and

<sup>u</sup>✓

necessary to protect the interest of the petitioners till they are in a position to move the appellate authority for an interim order.

4. For the reasons stated above, both the petitions are rejected reserving liberty to the petitioners to approach the Standing Committee. In the meanwhile the Corporation is directed not to take any steps to demolish the buildings belonging to the petitioners in these petitions for a period of three months pursuant to the impugned orders dated 12-2-1998. In the meanwhile it is open for the petitioners to file an appeal before the Standing Committee and move for an interim order. In the event the Standing Committee is not constituted within three months from today, it is open for the petitioners to move this Court for an appropriate order.

Sd/-  
JUDGE

Hsf.

